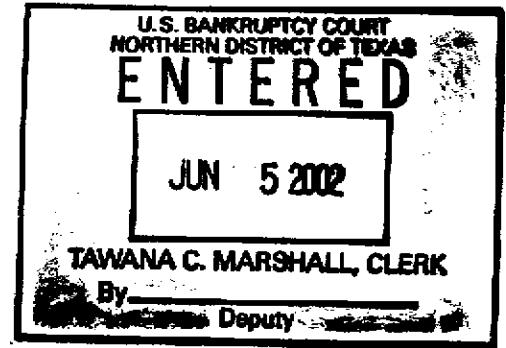


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ORIGINAL



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:)	
)	
GALE C. HUTCHINSON, JR.)	CASE NO. 399-34413-RCM-7
)	
DEBTOR)	ADVERSARY NO. 01-3363
)	
HOPE LEWIS)	
)	
PLAINTIFF)	
)	
vs.)	
)	
GALE C. HUTCHINSON, JR.)	CHAPTER 7
)	
DEFENDANT)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

THIS CAUSE having come before this Court on Plaintiff's Complaint to Determine Dischargeability of Debt, and the Court, having considered the pleadings on file, the evidence presented, and the argument of counsel, makes the following Findings of Fact:

1. Defendant filed Chapter 7 bankruptcy on June 1, 1999.
2. Defendant did not list Plaintiff in his Schedules or on his mailing matrix.

3. The last day for filing a Complaint for a determination that a debt was non-dischargeable under 11 U.S.C. § 523(a)(6) has expired.

4. Defendant did not provide to Plaintiff any notice of his bankruptcy filing until after the deadline for filing a Complaint to Determine Dischargeability of Debt under 11 U.S.C. § 523(a)(6) had passed.

5. Plaintiff had no actual notice of the bankruptcy filing until after the deadline for filing a Complaint to Determine Dischargeability of Debt under 11 U.S.C. § 523(a)(6) had passed.

6. Prior to the bankruptcy filing, Defendant operated a business known as Provider One Services, Inc.

7. Provider One Services, Inc. was engaged in the business of collecting debts owed to doctors and other health providers.

8. Provider One Services, Inc. has been a debt collector against Plaintiff on behalf of Dr. Neil Atlin (Atlin), TX-AN Anesthesia & Pain Management (TX-AN), Irving Surgery Center, Ltd. (Irving), and HFMD, Inc. (HFMD).

9. Prior to the bankruptcy filing, Plaintiff was a patient and consumer of medical services provided by Atlin, TX-AN, and Irving.

10. Debtor/Defendant made threatening, harassing and abusive collection telephone calls to Plaintiff.

11. There was an objective, substantial certainty that Defendant's collection activities would cause harm to Plaintiff. Additionally, Defendant intended to cause Plaintiff distress by such collection activities.

The Court, having made the foregoing Findings of Fact, makes the following
Conclusions of Law:

1. At the time of Defendant's bankruptcy filing, Plaintiff had a claim against Defendant under 11 U.S.C. § 523(a)(6). In *In re Miller*, 156 F.3d 598, 606 (5th Circuit 1998), the Court defined intentional injury as "either an objective substantial certainty of harm or a subjective motive to cause harm". The Court stated that this definition by necessity includes malice. *Id.*

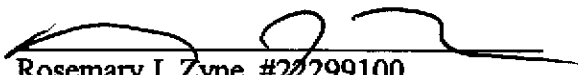
2. The claim of Plaintiff against Defendant is non-dischargeable pursuant to 11 U.S.C. § 523(a)(3). See Norton's Bankruptcy Law 2nd, § 4720.

SIGNED this the ____ day of ~~JUN~~ 4 2002 2002.


U.S. BANKRUPTCY JUDGE

APPROVED AS TO FORM:

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